

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOAN SPANO, et al.,

Plaintiffs,

v.

THE HOTEL CORPORATION OF
THE BAHAMAS D/B/A RADISSON
CABLE BEACH GOLF AND CASINO
RESORT

Defendant.

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Civil No. 05-6039 (AET)

MEMORANDUM & ORDER

THOMPSON, U.S.D.J.

This matter comes before the Court on the Motion of Plaintiffs Joan and Edward Spano for Default Judgment [20], against The Hotel Corporation of the Bahamas d/b/a Radisson Cable Beach Golf and Casino Resort (“Defendant”). On September 5, 2007, this Court issued an Order [22] granting Plaintiffs’ Motion for Default Judgment as to Defendant’s liability. The Court reserved decision on the issue of damages, pending a hearing. The Court has decided the issue of damages after reviewing the submissions of the parties and after holding a hearing on November 8, 2007. The Court incorporates by reference the findings of its September 5, 2007 Order.

A. Property Loss

Plaintiff Joan Spano testified that unknown and armed intruders broke into her room at the Defendant’s hotel and stole approximately three thousand, one hundred dollars (\$3,100) from the safe in the hotel room. In her affidavit, she asserted that they stole four hundred twenty six

dollars (\$426) from her purse. (Joan Spano Aff. 4.) Additionally, she claims that jewelry, clothes, and toiletries were also stolen. In her affidavit, she asserts that the total value of the stolen items exceeds forty thousand dollars (\$40,000). (Id.)

Plaintiff Edward Spano testified that the armed intruders took five hundred dollars (\$500) from his night table drawer and three thousand dollars (\$3,000) from the safe in the hotel room. (Edward Spano Aff. 3.) Additionally, he testified that jewelry, clothes, and toiletries were also stolen. In total, Plaintiff Edward Spano, like Plaintiff Joan Spano, asserts in his affidavit that the total value of the stolen items exceeds forty thousand dollars (\$40,000). (Id.)

After assessing the testimony during the November 7, 2007 hearing, and the affidavits of Plaintiffs Joan and Edward Spano, the Court hereby awards forty thousand dollars (\$40,000) in compensatory damages for property loss.

B. Physical and Emotional Damages

Compensatory damages may be awarded for non-pecuniary loss, such as bodily harm and emotional distress. Restat. 2d of Torts § 905. Bodily harm is any impairment of the physical condition of the body, including illness or physical pain. Moreover, in assessing emotional damages, and to justify recovery, the Court may consider bleeding, traumatic injury, and pain. Frame v. Kothari, 115 N.J. 638, 643, 560 A.2d 675, 678 (1989).

Plaintiffs suffered some physical “roughing up” during the attack on August 10, 2003. Plaintiffs were pushed, thrown around, tied up, and gagged by the unknown intruders. (Joan Spano Aff. 3.) Plaintiff Joan Spano suffered bruising of her ankles, wrists, and neck, all of which caused her to seek treatment by her personal physician. (Id. at 5.) She asserts that she continues to suffer neck and back pain. Plaintiff Joan Spano also claims that she had to see a psychiatrist

for approximately six months in an effort to resolve the emotional pain that resulted from the incident. (See Pls' Mot. Default J., Ex. C.(Joan Spano Psychiatric Evaluation)). She contends that she still suffers nightmares and emotional anxiety.

After reviewing the testimony of Plaintiffs, and the submissions to the Court, the Court hereby awards Plaintiffs one hundred sixty thousand dollars (\$160,000) in physical and emotional damages.

C. Conclusion

The Court awards Plaintiffs Joan and Edward Spano \$40,000 in damages for property loss, \$160,000 in damages for physical and emotional damages, for a total award of \$200,000.

For these reasons; and for good cause shown,

It is on this 9th day of November, 2007

ORDERED that judgment be entered for Plaintiffs against Defendant in the amount of two hundred thousand dollars (\$200,000); and it is further

ORDERED that this case is closed.

s/ Anne E. Thompson

ANNE E. THOMPSON, U.S.D.J.